

1342
K. Seward (W. W.)

THE
R I G H T S
OF THE
PEOPLE ASSERTED,
AND THE
NECESSITY OF A MORE EQUAL
REPRESENTATION IN PARLIAMENT
STATED AND PROVED.

WHEREIN

The Resolutions of the Volunteer Delegates at DUNGANNON, Sept. 8, 1783, are particularly considered.

" When half asham'd, Corruption's *Thievish Arts*,
And *Ruffian force* begin to sap the mounds
And Majesty of Laws; if not in Time
Repress'd severe, for human Aid too strong
The Torrent turns, and overbears the whole."

THOMPSON.

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Sept

THE
R. I. G. H. T.
OF THE
PEOPLE ASSURED
AND THE

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TO THE
VOLUNTEERS OF IRELAND

THE FOLLOWING

E S S A Y

IS RESPECTFULLY

D E D I C A T E D,

BY THEIR

BROTHER and HUMBLE SERVANT,

W. W. SEWARD.

TO THE

VOLUNTEERS OF IRELAND

THE FOLLOWING

LIST

IS RESPECTFULLY



BY ORDER

BROTHER and HUMBLE SERVANT,

W. W. SEWARD.

THE
RIGHTS
OF THE
PEOPLE ASSERTED, &c.

AT a time when public spirit and virtue begin to break forth, and a *free-born* people lay *claim* to privileges of which the baneful influence of *corruption* had long deprived them, any attempt, however imperfect in the public service, may expect at least a *favourable* reception from the friends of LIBERTY.

Encouraged by this principle, and actuated by the warmest zeal for the well-being of his Country, the Author of the following observations has ventured to submit them to the public: happy if in the mind of any *impartial* reader, he shall prove a successful advocate for the *rights* of the PEOPLE.

B

Long

Long did this ill-fated Country groan under oppression and injustice; long were her *rights* trampled on and disregarded; her complaints unattended to; her sufferings unredressed; and long did a *venal* herd of prostituted sycophants, living on the *spoils* of their Country, *betray* every *public trust*, and sacrifice her dearest rights.

But evils such as these, cannot *always* last; an *injured nation* will not be *always* tame; and (thanks to the great Disposer of all events!) the period has *now* arrived, when the *rights* of the PEOPLE *may* be regained; when corruption *may* be banished; and IRELAND *may* be FREE.

To persuade my countrymen to the pursuit of such important objects, is my chief design: and I trust the present glorious opportunity for the emancipation of their Country, needs only to be known, to be universally embraced: for certain it is, the opportunity *once neglected*, may *never* be recalled.

“ If ever (to use the words of an ingenious writer) a test for the trial of spirits

spirits can be necessary, it is *now*; if ever those of liberty and faction ought to be distinguished from each other, it is *now*; if ever it is incumbent on the people to know what *truth* is, and to follow it, it is *now*."

It is now that we shall be able to distinguish the *real* from the *pretended* friends to *Ireland*; it is now that her Rights may be declared, ascertained, and *confirmed*; it is now that the SONS of FREEDOM may triumph over venal slaves, and *restore* to the CONSTITUTION that *purity* and *perfection*, on which the *being* and happiness of this Country must depend. Neither servile or licentious, the *people* may now acquire their *just rank* in the government, and by recurring to the *true principles* of the constitution, mark out the proper limits of their *freedom*, and restore the *long lost ballance* of power between the *governors* and the *governed*.

The late *Misrepresentatives* of the nation have been *dismissed*; the power of appointing *new servants* in the state returned to the *people*, and we arrive at the eve of a *first session* of a *new parliament*.

liament. If the people have made a virtuous and *well directed* choice in their *new* Representatives, happy is their lot: The work of Reformation will *of course* begin; and a PATRIOT SENATE, backed by a PATRIOT ARMY, will restore *independence* to their Country, and *health* to its *sickly constitution*. The freedom of IRELAND thus *asserted*, what Tool, what Minion, *dare* oppose the *voice* of the PEOPLE?

That our political system has been long in a *declining* state, need not be *proved*, because we *feel* it; and so strong has been the torrent of corruption, which carried away all before it, that till lately the *voice* of public virtue *dare not* be heard, nor real *patriotism* be tolerated or supported. The *servants* of the *people* became their *masters*, and if, by chance, *honesty* attempted to enter the *senate*, it met with *persecution*^a.

- Great, then, must be the *necessity* of bringing things *back* to their proper

^a The case of Sir Edward Newenham, not to mention any other, fully proves this assertion.

course :

course: and by wiping off that *dirt* which has so long *clogged* the wheels of government, and rendered its movements irregular; of *cleansing* the several parts, and giving a *freedom* of motion to the *whole*, whereby the British Constitution, that boast of *former* ages, may be again seen to stand on its *primitive* and justly *admired* foundation.

There are *certain principles* in every form of Government, on which it is founded, and on a conformity to which its very existence must naturally depend. And hence it is that *Machiavel* very justly observes, that “of all Governments those are the *best*, which, by the natural effect of their *original* constitutions, are frequently *renewed*, or drawn back to their *first principles*.”

Of all the various forms of civil Government yet known, that which we have the happiness to *claim* comes, perhaps, nearest to *this* description; there being in effect a *renewal* of the *Constitution* as often as there is a *new* election of Representatives by the *people*. For as it has been long since justly asserted, that we can never be ruined but by our *Parliaments*; so it follows,
that

that where by the attempts of *wicked* and *corrupt* Parliaments, the Constitution has been *violated* ; the People, by choos- ing for their *new* Representatives men of *public spirit* and virtue, have an opportunity of correcting such abuses, and bringing it *back* to its *first principles*.

What these principles are we shall hereafter briefly consider. First observ- ing, that the opportunities of recurring to them are not perhaps *sufficiently fre- quent* ; which seems to be one well- grounded cause of complaint at present: at least we have full demonstration that these opportunities are *not now* so fre- quent, as they were in those *earlier days*, when our glorious Constitution was in its *highest* perfection.

The reasons upon which *Machiavel's* observation is founded appear suffici- ently obvious. There must be some good in the first principles of *every* Government, or it could not subsist at all, much less could it make any pro- gress. But (says a judicious writer) this good degenerates according to the natural course of things ; and Govern- ments, like all other mixed bodies, tend
to

to dissolution by the changes which are wrought in the several parts, and by the unaptness and disproportion which result from hence through the whole composition^b.

The most effectual, and indeed the sole method of maintaining their health and prolonging their life must therefore be, to bring them back as near and as frequently as possible to those principles on which their prosperity, strength, and duration were originally founded. Every approach therefore to these fundamental principles, must "tend to a renovation of, not an innovation in, the Constitution."

Let us now consider the most material principles on which our Constitution is founded; and by a view of its present state, behold the necessity for its being brought back to them.

As that Government "ought to be accounted the most complete which best

^b See Bolinbroke's Rem. History of England.

^c See the Resolutions of the Volunteer Delegates at Dungannon, September 8, 1783.

answers the *end* of its institution ;”^d and as Government was instituted to preserve the *natural rights* of mankind, and is “a means contrived by human wisdom for gaining *security* against *oppression* ;”^e so the Britanic Constitution or form of Government has been esteemed *the best* of all others, because, in its *genuine state*, it best preserves to the subject his natural rights, and affords him, against *oppression*, the greatest security.

These advantages are the effect of that *leading maxim* in our Constitution, and in the law of nature ; that “the subject can be bound *only* by those laws to which *he consents* ;” and such consent is given either by himself, or his Representatives, *freely* and *voluntarily* chosen. This, I say, secures him his natural rights : for *all men* being by nature *equal*, no one could have a right of dominion over another, without his consent ; or force him to the observance of any *law*, against his *free inclination*. Our Constitution, therefore, gives the

^d Burlam. Pol. Law.

^e Price, on Civil Liberty.

free-

free-born subject a power of making laws, as it were, for his own Government; and also, strictly speaking, of choosing his own Governors; and by giving him the exercise of this natural right, affords him the best imaginable security against all manner of oppression.

Indeed so far is this principle of consent carried, and so fully *ascertained*, that we find an English monarch^f, who was far from being a *friend* to the liberty of the subject, publicly acknowledge, that every *individual* member in the *realm* was, by the Laws and Constitution of it, deemed to be *actually present* in Parliament; and either by *himself* or his *Representative*, to stand as a *member* in the *great assembly* of the nation.

But how far has this great RIGHT of REPRESENTATION *been preserved* to the PEOPLE? has it been *abused* by the *Representatives* themselves? or has it been violated by any *other part* of the Legislative Body? The affirmative is demonstrable. It has been injured in

^f King James I.

both shapes. The *freedom* of *election* has been violated on the one hand, and the *delegated* trust *betrayed* on the other.

The power of the Crown has not been circumscribed within such limits as are necessary to prevent its influence amongst the *Representatives* of the people; or, in other words, a security has not been provided to keep the Representatives of the people from the *improper* influence of the *Crown*.

A judicious distribution of *places*, *pensions*, and *titles*, will soon influence the *venal*, the *needy*, the *base*, and the *ambitious*; and this distribution the *Crown* has in its power to make. Hence a writer of very great discernment has pleasantly observed, "that though we have been *wise* enough to shut and lock a *door* against absolute monarchy, we, at the same time, have been *foolish* enough to put the *Crown* in possession of the *key*."

^s The Author of the Pamphlet, intituled, *Common Sense*.

"In *England*," says another writer, (and the remark extends equally to us) "the Court, as in most kingdoms, has been a *shop*, with wares in it for most kind of customers. There is *hope* for some, which feeds many at a *small expence*; there are *titles* for the *ambitious*, *pleasures* for the *young* and *wanton*, *places* for the *busy*, and *bribes* to be *secretly* conveyed to such as desire to maintain an *appearance* of *bonesty*. With these baits and allurements, princes easily draw into their nets the *unthinking* gentry of the land, and thereby *poison* the *fountain-head*, and *sap* the very *foundation* of the politic institution^a."

The mischievous consequences of this defect in our Constitution, as it stands at present, have been *severely* felt by *Ireland*; nor has our sister-kingdom escaped the evil; she has indeed *attempted* to restrain it, but in a manner rather ridiculous than rational.

That under such a form of Government as ours, where the well-being of the *whole* depends on the *freedom* and

^a D'Avenant.

independence of the several *parts*, and their *just ballance*, all means of *influence* by any one branch of the Legislature upon the other should be carefully prevented, is clear to common understanding. And agreeable to this notion it is, that *Thuanus* makes *Ferdinand* (in answer to the *Castilians*, who pressed him to take away the *independency* of the states of *Arragon*,) say "The public safety depends on the *equal* ballance of the power of the *king* and of the *kingdom*; and if ever it should happen that the one *outweighed* the other, the ruin of *one* or of *both* must undoubtedly follow."

It is indeed an absurdity to say, that the *people* have a *share* in the Legislature, if another branch of it retains a power of influencing their *Representatives*, by rewards or menaces, from discharging the TRUST reposed in them with *justice* and *fidelity*; and yet, instances are not wanting in this *enlightened age*, and under the reign of our present *patriotic*

"Æquilibrio Potentiæ Regni Regisque salutem
"publicam contineri; et si contingeret aliquando
"alterum alteri præponderare, proculdubio alterius
"aut utriusque ruinam ex eo secuturam."

and

and *pious* Sovereign, of promises and rewards being held out to the *trustees* of the *people*, and vengeance denounced against such as should oppose the *arbitrary* mandate of the *minister*. Thus even the *best* form of Government can be rendered *ineffectual*, its *ballance* destroyed, and its most salutary *ends* defeated.

We may therefore justly subscribe to Dr. *Hutchesson's* remark, who says, "As it would be of little consequence what were the *form* of polity, were it provided that none but *good* and *wise* men got into power, which, perhaps, no precaution can ensure, the main drift of good policy is, to *provide* that even though *bad men* come into power, they shall either have *small temptations* to abuse it, or at least no hopes of GAIN and IMPUNITY in doing so ^k."

^k "Quum parum referat qualis sit civitatis institutio, si modo folis prudentibus & bonis commissa sit potestas; cui tamen rei nulla ratione satis caveri poterit; hoc in civitate constituenda præcipue erit spectandum, ut infidis & malis, quamvis potestatem adepti fuerint, nulla aut exigua ad peccandum sint invitamenta, aut saltem nulla impunitatis, aut commodi sui augendi spes, ubi perfide rem pub. administaverint." Phil. mor. inst. compend. lib. iii, c. 6.

Our

Our sister kingdom had for some time the prudence and spirit to act upon this principle. *Placemen* and *Pensioners* were excluded from the Senate, and her House of Commons was so chaste, they would not suffer even an Attorney General to sit and vote in it, because he was the King's servant: and therefore, whenever a member was appointed to that office, his place was vacated and a new writ issued. This appears to have been the practise till the year 1670, when Sir *Heneage Finch*, being appointed Attorney General, was allowed, by *connivance*, to preserve his seat, which connivance has *continued* ever since.

But modern times have suffered the evil to spread much farther; nor has any proper attempt been yet made in *this* kingdom to check its progress; places and pensions have been *created* and *distributed* for the avowed purposes of *buying* a majority in the Senate; and the Commons of *Ireland* has been composed of *needy, servile dependents*, who became the *Representatives* of the *minister*, and the *Misrepresentatives* of the PEOPLE.

We

We may date the introduction of this practice of *corrupting* the Constitution, from the profligate reign of *Charles II.* that witty monarch, who seems to have had more political ingenuity than his unfortunate father, naturally took an aversion to *Parliaments*, and would, very willingly, have laid them aside; but that scheme being impracticable, he ingeniously contrived to procure a Parliament, which long acted *agreeable* to his *wishes*, and became so exactly disciplined to his measures, that, like a veteran army, they knew no other command, than from that person who *gave them Pay*.

This was a safe and most artful way of enslaving the nation. It was very well known that arbitrary power, if it was *open* and *avowed*, could not then prevail: the people were, therefore, *amused* with the specious *form* of their ancient Constitution: "It existed indeed in their *fancy*, but, like a mere phantom, the *authority*, the *dignity* of *Parliaments* were *wholly lost*!" This

¹ See Sir *J. St. Aubin's* speech for repeal of the Septennial Bill in *England*, under Mr. *Walpole's* Administration.

was that remarkable Parliament which obtained the opprobrious name of the *Pension Parliament*, and was the *model* from which later Parliaments have been exactly copied.

To this piece of political craft it is that we are to attribute the absurd conduct in many particulars, of a *quondam* Parliament (now, thank God, *defunct*) who at the will of the *minister* was always ready to *belie* its own *understanding*, and contradict the *most obvious* principles of common sense. Evil was put for good, and good for evil; darkness for light, and light for darkness; nor was any thing too bare-faced for its *effrontery* to encounter; any job too *dirty* for its *baseness* to undergo.

Hence too it is, that when the *people* suffer, these *dependent* kind of Parliaments are seen to *rejoice*; when the former feel an *increasing* load of debt, the latter testify their satisfaction at the *diminution* of it. If the people feel a *decay* of trade and the growth of national *poverty*, the Parliament boasts of the *wealth* and *flourishing state* of the kingdom; if *they* see the honour and interest

interest of the kingdom sacrificed, the *Parliament* exults in the triumphs of both.

In short, "such *depending* Parliaments not only *connive* at the *grievances* of their country, but *sanctify* them too; they have not only *borne* the rod, but have *kissed* it too; and not only the rod of their Prince, but the rod of some *upstart minister*, who owed his *elevation* to his *dishonour*, and his *favour* to his *shame* ^m."

Have we not then drawn near *that period*, at which the learned *Montesquieu* has predicted our downfallⁿ? pure as our Constitution once was, is it not now become miserably corrupted and decayed? and must not the *remains* of that venerable pile tumble into ruin, if not *repaired* by the prudence, *spirit*, and virtue of HIBERNIA's *free-born SONS*? An unavoidable means therefore, necessary toward the reparation of

^m *Oldcast. Rem. Hist. Eng.*

ⁿ "The state we are speaking of will lose its liberty; it will perish; it will perish when the Legislative power shall be more corrupt than the executive." Spr. Laws, B. xl, Ch. 6.

this *once* glorious fabric, is an *effectual* exclusion of all *place-men* and *pensioners* from the *democratic* part of our Constitution; which would bring it *one step* back to its *ancient* form, and without which, all pretensions of *public liberty* must be *irrational* and *vain*.

But it is not only necessary that the REPRESENTATIVES of the PEOPLE should be *free* and *uninfluenced*, they should be likewise *freely-elected*. "The English freedom (says *Rapin*) will be at an end whenever the court invades the *free-election* of Parliaments;" and so essential is it, to their very existence, that Mr. *Locke*^o ranks it amongst those breaches of trust in the executive magistrate which, in his opinion, amounts to a *dissolution* of the Government, if he employs "the force, treasure, and offices of the society to *corrupt* the *Representatives*, or openly to *pre-engage* the *electors*, and prescribe what manner of persons shall be chosen." "For thus, to regulate *candidates* and *electors*, and new model the ways of election, what is it (says he) but to cut up the Government

^o On Government, part 2, § 222.

by the *roots*, and poison the very *fountain* of public security."

This evil should therefore, be prevented, and in this respect our Constitution stands in need of *great amendment*. The Commons should be the *creatures* of the *people only*, and chosen by them *alone*. But in many instances the idea of an election by the *people* becomes *farcical*, and it may be justly asserted, that "the *majority* of our "House of Commons is *not chosen* by "the PEOPLE, but returned by the "mandate of *Peers* and *Commoners*, "either for *indigent Boroughs*, where "scarcely any inhabitants exist, or in "considerable cities and towns, where "the elective franchise is vested in a "*few*, who are thus suffered to place "the *highest* trusts of society, against "the interest and will of the *many*, in "the hands of them, who seldom act "as if they considered themselves "accountable to the *people*."

Hence the office of a *Representative* has become *saleable*, and the *purchase* of

a seat in *Parliament* as common and notorious as the purchase of *any* public employment whatever: so that we may well apply to ourselves that expression of the Roman Satirist, "*Omnia Romæ cum pretio.*" "*Every thing at Rome is bought and sold.*" And therefore, it must cease to be a matter of surprise, if we hear a *Representative* declare, that his will is *his own*, he is *unaccountable* to his *constituents*, and his parliamentary conduct shall be agreeable to his *own* inclination. Indeed any man who has thrown away so considerable a part of his property, as on these occasions is generally done, merely to obtain a seat in the national assembly, must be presumed to have something nearer in view than the *public welfare*: and there can be nothing unnatural in his endeavouring to act in such manner, when he gets there, as may be most likely to *re-imburse* what he has so *profusely* expended; and this has made an early writer on the English form of Government, when speaking of the sums of money laid out for that purpose, ask with some degree of humour, "Did you ever know a *coachman* or *groom* buy

his

his place, unless he intended to rob his master's binn^a ?"

This is a further deviation from our original system, and in early days, such *violations* of the *constitution* would not have passed with *impunity*. On the contrary, the very *first* instance we meet with of this kind of *traffic* was followed by its proper punishment. In the reign of Queen *Elizabeth*, one *Thomas Long* gave the returning officer and others of the *Borough*, for which he was chosen, *four pounds* to be returned member, and was for that premium elected. But for this offence, the *Borough* was amerced, the *member* was *removed*, and the officer *fined* and *imprisoned*. And yet, surely, *four pounds*, even in them days, was an inconsiderable sum, compared with what *we now* see expended.

That the frequent complaints of the *evils* which arise from the present state of small corporate towns, and more especially from *Boroughs* (that *rotten part*, as they are called, of our Consti-

^a Eng. Liberty, p. 96.

^r Com. Jour. May 10 and 11, 1571.

tution)

tution) returning members to Parliament, are *well founded*, requires very little proof; and therefore, a reform in this particular is *highly* necessary.

We are told that *Boroughs* were formerly incorporated by the Crown, with a right of returning Representatives, frequently for the purpose of creating a *ballance* in the *Commons* against the power of the *Lords*. *Whitlock*, in his Commentary on the writ for choosing members of Parliament, asserts that “*doubtless*, the King may grant to *as many* places as he chooses, the privilege of sending members to *Parliament*.” But this *unbounded* power seems not to exist at *this day*, or at least is a power which (as a judicious law writer observes) at present seems to shock all *common sense* upon the mention of it, and which we may flatter ourselves therefore *can never* be revived¹.

To prevent, however, the mischiefs which arise from the number of indi-

¹ Vol. I. p. 501.

² *Barringt.* Observ. on the Stat.

gent boroughs now standing, the privilege of returning members to Parliament should be limited to such *Boroughs only*, as have a *sufficient number* of respectable inhabitants to make a *free and proper* election. But should the *means of corruption* be yet suffered to exist, and opportunities of thrusting *improper* persons into *Parliament* still remain, we may bid adieu indeed to our *pretended liberty*, and be "curled with the *unanimated forms* of a free Government".

Dr. Price, speaking of the nature of *Representation*, makes the following observations, which strongly apply to the present subject. "Though in a great state (says he) *all* the individuals that compose it, cannot be admitted to an immediate participation in the powers of Government, yet they may participate in these powers by a *delegation* of

" *Dungannon Resolutions*, September 8, 1783. We may here observe, that this *reduction* of *Boroughs* might possibly reduce the Commons to too small a number; to prevent this inconvenience, and give a compleater Representation, the number of delegated trustees might be *increased* in different *counties* and *cities* according to their extent, circumstances, &c.

them

them to a body of Representatives. In this case it is evident, that the state will be *free*, or self governed; and that it will be *more* or *less so*, in proportion as it is more or less *fairly* and *adequately represented*. If the persons to whom the *trust* of Government is committed, hold their places for *short terms*; if they are chosen by the *unbiased* voices of a majority of the state, and *subject* to their INSTRUCTIONS; LIBERTY will be enjoyed in its highest degree. But if they are chosen for *long terms*, by a part only of the state; and if during that term they are subject to *no controul* from their *constituents*, the very *idea* of liberty will be lost, and the power of choosing Representatives becomes but a power lodged in a *few*, to choose at certain periods a body of MASTERS for themselves and the rest of the community. And if a state is *so sunk* that the majority of its Representatives are elected by a handful of the meanest persons in it, whose votes are always *paid for*; and if also, there is a *higher will*, on which even those *mock Representatives* themselves *depend*, and that *directs* their voices; in these circumstances it will be an *abuse* of
lan-

language to say that the state possesses *liberty*. Private men indeed might be allowed the exercise of liberty, as they might also under the *most despotic* Governments; but it would be an *indulgence* or *connivance* derived from the spirit of the times, or from an *accidental mildness* in the administration; and rather than be governed in such a manner, it would perhaps be better to be governed by the will of *one man* without any *representation*. For a representation, so *degenerated*, could answer no other end than to *mislead* and *deceive*, by disguising *slavery* and keeping up a *form* of liberty, when the *reality* was lost *."

From this passage, which explains the nature of representation with great perspicuity, we discover another ingredient necessary for the *preservation* of our *constitution*, viz. the *frequent* meeting and *election* of Parliaments. How strangely our political system is *altered* in this particular, must appear to any one who has taken even the slightest view of English history.

* On Civil Liberty, part I.

Rapin well observes, that there are but *two* ways of depriving the English of their liberties, either by *laying aside* Parliaments, or *bribing* them; and accordingly, whenever any of our monarchs aimed at *arbitrary power*, we find they either wholly neglected to call their Parliaments together, or when they got one *obedient* to their will, they took care to uphold it, and prevent the power of election from returning to the *people*.

Many have been the contests between the Crown and the subject on this head; the latter well knowing that their freedom *depended* on the conduct of their *Representatives*; and that there was an absolute necessity for their frequent meeting, and for their returning almost as frequently, into "*the common mass of constituents*."

It was therefore enacted by 4 Ed. iii, ch. 14, and 36 Ed. iii, c. 10, that a Parliament should be holden *every year* once; and *more frequently*, if need be. This, in the reign of *Charles II.* was extended in *England* to *three years*, per 16, Ca. ii, c. 1, which was further enforced

forced by 6 W. and M. c. 2, which enacts, as the statute of *Charles II.* had done before, That a *new* Parliament shall be called within *three years* after the determination of the former. So anxious indeed were the people for the preservation of this *right* (as I shall presently shew it to be) that in the unhappy reign of the elder *Charles* it was enacted, 16 Ch. i, c. 1, That if the *King* neglected to call a Parliament for *three years*, the PEERS might assemble and issue out writs for choosing one; and if the *Peers* should neglect so to do, the CONSTITUENTS might meet and elect one *themselves*. However, this statute was afterwards repealed in the succeeding reign, 16 Car. ii, ch. 1. But by stat. 1, W. and M. c. 2, It is declared to be one of the RIGHTS of the PEOPLE, that for *redress* of all *grievances*, and for the amending, strengthening, and preserving the laws, Parliaments *ought* to be held *frequently*. This we must observe is an *English* statute. For the preservation of IRISH FREEDOM should not a like declaration appear in *our* statute rolls, that “*Irishmen should not have to look for their privileges in the Journals of a FOREIGN State?*”

The

The statute last mentioned was obtained at the time of the *Revolution*, when the PEOPLE made a *fresh claim* of their ancient privileges; they had for some time before experienced the evils attendant on *long* and *servile* Parliaments. It was, therefore, now declared, that they should be held frequently.

But what shall we think of extending the *life*, if I may so call it, of any one Parliament, to a period of *seven* or *eight years*. This as it has been a deviation from the *ancient principles* of our Constitution, so like all such *deviations*, it has brought *its evils* along with it. Corruption has been hereby enabled to take *greater strides*; the profligate and the venal can *sell* their services at a *higher rate*; and the poor deluded PEOPLE, the oppressed, deceived *Constituents* must, during *that time*, suffer every hardship which their *treacherous servants* think proper to impose.

With great reason then may the *people* protest against the *neglect* of Parliaments, or their *too long duration*; with great reason may they exclaim against all *undue influence*, either at the time of *election*,

election, or afterwards *in the Senate*: and great reason have they, at this IMPORTANT CRISIS, to *insist* on a RENOVATION of the CONSTITUTION, and a *permanent* establishment of their *ancient privileges*.

It requires no logic to demonstrate under the present state of affairs, that *inadequate representation* and the *long duration* of Parliaments destroy the *ballance* which should subsist between the *three estates* of the Legislature; that they "render the Commons House *independent* of the PEOPLE, procure certain majorities in favour of *every* administration; and threaten either an *absolute monarchy*, or that still more odious Government, a *tyrannical Aristocracy*:" These assertions carry with them their own demonstration; and convey a *truth* too clear to be controverted.

With respect indeed to absolute monarchy, the Prince must be very *weak* or *misguided*, who under our form of Government would wish to acquire

^x Resolutions at Dungaannon, September 8, 1783.

it. For there, as *Rapin* observes, all endeavours used by a King to make himself *absolute*, are but so many *steps* to his own *downfal*. But what a *Prince* might not desire, a *Minister* might: and we want not precedents on historic record, where the Prince has been made the *tool* of an *ambitious favourite*, who has governed the kingdom with the most *oppressive* fway.

As to the *Aristocratic* part of our Constitution, it may not be improper to remark its *great increase* within the short period of the last ten years; I speak with respect to our Irish establishment. The additional number of our Earls since 1762, inclusive, appear to be 24; Viscounts since the same period 16, and Barons 33. We may leave it to the judicious reader to make his own observations on this circumstance: one only shall be made here, which is, that if *so many* Peers were created for their signal acts of *spirit*, *virtue*, and *public service* (which certainly *ought* to be the case) we have had *more* worthy personages of rank and eminence in *Ireland*, in the *present reign*, than was found in any other since *Henry II.* paid *his visit* to this country; and perhaps, we may
be

be soon under a necessity of compiling such a *treatise*, as was advertised in our sister-kingdom in the days of that *Peer-making monarch James I.* intitled, "An art to help *weak memories* to remember the *names* of the NEW NOBILITY."

But *here again* appears a departure from ancient principles. It was not *originally* in the power of the *Crown* to increase the aristocratical estate, by conferring titles of honour, and dignity at *pleasure*: these were the reward of *merit*, and never *granted* but when *deserved*; they were held out as incitements to noble and virtuous deeds, and not bestowed by the Crown without the *previous* approbation and consent of the *National Assembly*.

This was the mode used by our sagacious forefathers, when the *Constitution* remained in its *purest state*, and when its several *parts* consulted the general *advantage* of the *whole*. Peers then claimed their seats in the *National Council* in right of their respective *Baronies*, which were granted to them as rewards for *eminent services*: and their parliamentary attendance was a *feodal duty*.

It

It may not be improper to observe that, formerly there were *three* kinds or classes of Peers, or rather three modes of creation: First, such as we have now described, who were termed *Feodal Barons*, and who held their lands as military tenants from the King.

The confused reign of *Henry III.* produced a *new kind* of Peerage, or more properly speaking, a new manner of calling persons up to the House of Peers; whilst the *Baronage* subsisted on the *Feodal* footing, *every Baron* had a right to be summoned to *Parliament*; but when the *difference* arose between *Henry* and his Barons, he summoned none but *his favourites*, whom he stiled *Barones Majores*; and then a mode was introduced of *calling* persons to the House of Peers who *were not Barons*. *Henry* however, did not at first take upon *himself solely* to create *Barons*: nor to call men to *Parliament as Peers*, who were not Barons before; but he summoned them by writ, for *advice*, and to *consult* with him and his Barons on the public affairs of the kingdom. This however, *opened the door* to the method of creating Peers by *writ*, merely
at

at the *will* of the *Crown*; and was the *first innovation* which *Henry* made in the *Aristocratic* body.

The weak and unfortunate *Richard II.* was the first who took upon him to create a *third sort* of Peers, *viz.* by *patent*; yet above *thirty* of his creation were made by act of Parliament. And even this King, well knowing that *his* creations without the *consent of Parliament* were illegal or invalid, had his *uncle*, whom he created in the first year of his reign Earl of *Bucks*; without consent of Parliament, created *anew* in the fourteenth year of his reign by act of Parliament, merely, as is set forth in the patent, for the *security* of his *uncle*. And we find this mode of creation continued to be *regularly* observed from the 11th of Ed. III. to the 1st of Hen. VII. under whose reign a power was *usurped* by the Crown of conferring titles of dignity at pleasure; which *incroachment*, not being opposed by the *Commons*, has been continued to this day, contrary to the ancient law and constitution of the kingdom.

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Therefore,

Therefore, (as a late memorable *Irish Patriot* properly observes) "though flatterers affect to call the King the fountain of *honour*, yet they may, with *equal* truth and reason, call him the fountain of *laws*. He is, no doubt, now entrusted with the dispensation of the one, as well as the execution of the other; but both must be done upon certain enquiry, and full and just information. The King creates all ranks of Peerage, but the *actions* of men alone, and their being attested and approved by the *voice* of the *people*, can *truly* enoble them: for the King's grant is founded on a *recital* of the *virtues* of the person to be dignified with a title of honour; so that he who has not virtue to *found* a grant upon, may indeed be made a Peer or a Knight *de facto*, but not *de jure*."

From the foregoing brief observations, we discover several material changes in the constitution of these kingdoms.

I. The PEERS, formerly created by the *common consent* of the realm, now

¹ Dr. Lucas's Pol. Const. V. 1, Addr. vii.

created

created at the arbitrary pleasure of the Prince.

II. The REPRESENTATIVES of the people formerly *free* from the influence of the *Crown*, now frequently its *dependents*, receiving the wages of prostitution, and rewarded for *betraying* the interests of their country.

III. PLACES and PENSIONS *unnecessarily* created, to the great *grievance* of the nation, and scattered amongst the *Commons* for selling the RIGHTS of their CONSTITUENTS.

IV. THREATS made use of, and *public employments* taken from such *honest* Representatives as dare oppose the arbitrary dictates of a *corrupt ministry*.

V. ELECTORS *influenced* in giving their *suffrages*, unqualified persons returned to Parliament, and seats in the National Council *publicly* set UP to SALE.

It will not, I presume, be *supposed*, much less *believed*, that under such abuses, our boasted form of Government

ment *could long* continue; the *essence* being so far gone, the very *name* would be in time *forgotten*, and posterity left to bewail the *loss* of liberty and of that glorious constitution, which our forefathers purchased *with their blood*, but which *we* their degenerate offspring thus *suffered* to be destroyed.

Hence the necessity of embracing the *present moment*, and before the disease proves *mortal*, to endeavour to eradicate it. We seem now to enter upon a season of *virtue* and *public spirit*; let us take the advantage of it; let *all* laws and customs be abolished which infringe our *liberties*, and let such be *introduced* as may *restore* the vigour of our *ancient* constitution. This defence and establishment of our *freedom* is a duty we owe to *ourselves*, our *ancestors*, and our *posterity*, *that* posterity, who (to use the words of the learned *Blackstone*) "*will claim at our hands this the best birth-right, and noblest inheritance of mankind*."²

² Com. B. 4.

If,

If, as has been before observed, there shall prove to be in our *new* Parliament an honest and virtuous majority amongst the Representatives of the PEOPLE, the work of *reformation* may be conducted without much difficulty; placemen and pensioners will be *immediately excluded* the National Council, and the people will be once more *freely* and *faithfully* represented. But if the Constituents throughout the kingdom shall be *disappointed* in their hopes, if the *delegated trust* shall be again *abused*, and all things continue *venal* as before, the business of reform, and the redress of grievances, will *devolve to themselves*.

It is true indeed, Sir *Mathew Hale*, and others, seem to assert, that all redress of *parliamentary* grievances is absolutely impossible. "The Parliament, (says he,) being the *highest* and greatest court over which *none other* can have jurisdiction in the kingdom, if by any means a *misgovernment* should any way fall upon it, the subjects of the kingdom are left *without all manner* of remedy^a." But, thanks be to God,

^a Treat. on Parl. p. 49.

the learned judge is in this place mistaken. There is still *in this*, as in *every other* kingdom, a *supreme* court, whose power, when *exerted*, is superior to any other upon earth. I mean the GREAT COURT of the PEOPLE. That court from whence *all others* derive their *authority*, with respect to which all jurisdictions are *inferior*, and to which they must ever be *accountable*.

Government is in the very nature of it a *trust*, and all its powers a delegation for gaining particular *ends*. This trust may be *misapplied* and *abused*; it may be employed to defeat the *very ends* for which it was *instituted*, and to subvert the very rights it *ought* to protect.

“And therefore, there remains still inherent in the *people* (says Mr. *Locke*^b) a *supreme power* to remove or alter the Legislative, when they find the Legislative act *contrary* to the trust reposed in them; for when such trust is *abused*, it is thereby *forfeited*, and devolves to those who gave it.”

^b On Government, part 2, § 149, 227.

"A Parliament (says *Price*) consisting of a body of Representatives chosen for a limited period, to make laws and to grant money for public services, would *forfeit* its authority by making itself *perpetual*, or *prolonging* its duration, by nominating its own members, by accepting *bribes*, or subjecting itself to any kind of *foreign influence*; this would convert a Parliament into a *conclave*, or *junto* of self-created tools; and a state that has lost its regard to its own rights, so far as to *submit* to such a BREACH of TRUST in its rulers, is *enslaved*."

"Nothing, therefore, can be more *absurd* (continues he) than the doctrine which some have taught with respect to the *Omnipotence* of *Parliaments*; they possess no power beyond the *trust*, for the execution of which they were formed. If they contradict this *truth*, they *betray* their Constituents and *dis-solve* themselves. All delegated power must be *subordinate* and limited. IF OMNIPOTENCE CAN WITH ANY SENSE BE ASCRIBED TO A LEGISLATURE, IT MUST BE LODGED WHERE ALL LEGISLATIVE AUTHORITY

THORITY ORIGINATES; that is, in the PEOPLE : FOR THEIR SAKES GOVERNMENT IS INSTITUTED, AND *THEIRS* IS THE ONLY REAL OMNIPOTENCE :”

Rightly therefore, has it been declared, “that as the voice of the *Commons of Ireland* is no less necessary for every Legislative purpose than that of either the *King* or *Lords*, the PEOPLE have a just and inherent right to *correct* the abuses of *Representation*, whenever such abuses shall have so increased as to rob them of the constitutional share in their own Government^d.”

Should then our *new* Representatives prove no *better* than the *old*; should they also be swayed by the thirst of gain; barter the rights of their country, and for “*A grasp of ore or paltry office, sell it to the foe,*” let that *spirit* which has hitherto maintained our *rights*, and preserved us when on the *very brink of slavery*, animate us to still further ef-

^c On Civil Liberty, part I.

^d *Dungannon Resolutions*, September 8, 1783.

forts in the noble cause *freedom*; and *reassuming* that power which we committed to *their care*, let us convince our *delegated servants*, that their CONSTITUENTS *will be FREE*.

Great and many have been the revolutions and changes which from time to time have happened in our political system; often has it been *almost totally* destroyed; its frame disordered; and its boasted *freedom* reduced to little better than downright *slavery*. The people have groaned under the oppression of *baughty tyrants*, *arbitrary monarchs*, and *treacherous representatives*. The wealth of the kingdom has been lavished on *corrupt Parliaments*, *idle projects*, and *unworthy favourites*, and *slavery*, *poverty*, and *disgrace* has been the dismal prospect of the nation. Over all these difficulties however, LIBERTY has been seen to triumph; she has been often eclipsed, but never *totally destroyed*; her cheering influence has been for a *while* suppressed, but like the sun she has again arose, with *double force*, and *double lustre*.

To what may this success be attributed? evidently to that *public spirit* and virtue, which at such *important* periods animated the *people* to struggle for and obtain their *freedom*: and, maugre the base designs of all their enemies, to *re-establish* the Constitution on its *ancient* principles.

It is *this spirit* which has heretofore secured our civil and religious liberties; which had made tyrants *bleed*, and driven others into *exile*; and it is *this spirit* which must enable IRISHMEN to *establish* their constitutional rights on a *respectable* and *permanent* basis.

Can a *more favourable* opportunity than the *present* ever offer for the accomplishment of this glorious work? a time, when we have got as it were, "*A mighty deliverance*" from as base and venal a crew as ever *disgraced* the *Legislative Body* of *any* nation; and when we can place our hopes on a *newly elected* body of Representatives, whose *inclination* I trust it is, as well as *interest*, to effect a *substantial reform*, and use every exertion necessary to attain it. Add to this, that the noble *spirit of liberty*

liberty is now, as it were, *revived*, and seems to burn in every IRISH heart. The people have *felt* the yoke of oppression; they are *determined* to be FREE, and were they ever *better prepared* to support that FREEDOM?

It is, I presume, unnecessary therefore, to exhort my countrymen, to embrace this opportunity of *restoring* LIBERTY to the PEOPLE of IRELAND. Convinced of the abuses which have crept into its *Constitution*, they have *demande*d redress, and having the POWER, they will not want the SPIRIT to procure it.

In pointing out these abuses, I have been purposely as *brief* as possible; and considering the constitution of this country, and that of Great-Britain as the *same*, though nationally *independent*, I have made use of the term in a general sense, without particularly distinguishing between either. In *each* kingdom, the infringements are the *same* on the RIGHTS of the PEOPLE, and call equally aloud for an *immediate* remedy; nor is it improbable, that seeing IRELAND take the lead in the cause of political

political freedom, our *sister-kingdom* will join in the *necessary* work, a *common redress* of grievances; whereby the Constitution of these kingdoms being brought back to their *true principles*, may be placed on a solid foundation, and handed down *pure* and inviolate to latest posterity.

If it should be expected that the *independence* of IRELAND would be here more strenuously asserted, and its Constitution particularly explained, let me refer the reader to Mr. *Molyneux's* Case of Ireland, a work, which as Dr. *Swift* justly remarked, deserves to be written in *letters of gold*, and which (with what has been lately offered on the subject, and the public proceedings of these kingdoms) renders any observations on that subject, *in this place*, totally unnecessary.

Having however, said thus much with respect to our *grievances*, permit me to offer a few words as to the *means* of redressing them.

The *renowned* virtues of our *pious* Sovereign (which since his accession to the
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the throne, have been so *obvious* to the *world*, and so *salutary* to his *people*) together with our present good fortune in being represented by a *new set* of delegates, from whom the utmost justice and fidelity must be at *least expected*, might possibly be sufficient grounds for presuming, that all our national complaints must be no sooner *known* than *redressed*. Without entertaining a *doubt* therefore, but this *will be* the case, and that all abuses will be done away, and our political diseases cured, it may not be altogether improper to suggest the mode which should be pursued by the *Representatives* of the people for obtaining these ends, if not immediately procureable. For as it is prudent in all human affairs to suppose the *worst*, so it is prudent always to be prepared with a *remedy*.

The nature of our Government, though greatly depraved, still retains an inward remedy, which when judiciously applied by the faithful *trustees* of the nation, must procure a *restoration* of its rights whenever they are invaded. This is that power remaining in the *Commons* of *withholding* pecuniary grants

grants and supplies till the *evils* complained of are *removed*; and this is the happy effect of letting the *Commons* hold the purse-strings of the nation.

It is one of our legal and political maxims, that "the *King* can do no *wrong*," which, by the by, is *literally* true; for the greatest tyrant that ever lived, *without assistance*, wuld prove but an *impotent blockhead*, opposing *his single* strength against the common strength of *mankind*. But I shall here extend the maxim and assert, that our King must be considered so *infallible* he neither *could* or *would* do *wrong*; yet his *ministers*, who are more immediately *answerable* to the *people*, possibly might. And great have been the sufferings of this and our sister-kingdom from ignorant, wicked, and ambitious ministers.

Suppose then, a depraved ministry should start up and declare, that *all* these national complaints resulted from a *spirit of faction*; that the people were always discontented, and that the Constitution is as pure *now*, as it ever was since the days of our *Saxon ancestors*. I say, suppose this should be the case,
(which

(which after all we have seen in our own days appears not impossible) and that thereby the much wanted REFORMATION in our Government should be opposed; would it not be incumbent on our parliamentary trustees to apply the remedy we have mentioned; and refuse to part in the smallest degree with the public money until the nation is redressed, and all causes of complaint removed? money *must* be had; the business of the kingdom will not, *can not* go on without it: it is requisite therefore only to persist, and the minister must comply.

This remedy or expedient was not unknown in former times, nor even to Parliaments of a late date, had they been possessed of *virtue* on proper occasions to *apply it*, but unhappily no sooner did a Parliament meet, than the *first* object was to open the purse, give away the wealth of the nation, and thus loose an effectual means of obtaining redress of public grievances.

We have therefore to hope (*should necessity* require it) that this *means* will not be *neglected* by our present Representatives;

tives; if it should, we can have nothing to expect from them *serviceable* to the community: their *principles* will then be *discovered*, and what the *Parliament* neglects to do, must be done by the SUPREME COURT of the PEOPLE.

A *national spirit* must then accomplish a *national reform*; the power of the *kingdom* must be exerted in defense of its CONSTITUTION, and the *united* body of *free-born* subjects standing forth in support of their *privileges*, must *regain* the RIGHTS of the PEOPLE, banish *corruption* from the *senate*, and *confirm* the LIBERTIES of IRELAND.

Let it be observed, that the *privileges* we claim are not the *grants* of *Princes*, they are ORIGINAL *rights*, conditions of original CONTRACTS, co-equal with *prerogative*, and coeval with our *government*; as such they have been *claimed*, as such they have been heretofore *asserted* by *force of arms*, as such they have been *acknowledged*, and as such they have been constantly *maintained* by that *pertinacious spirit*, which no difficulty or danger could *discourage*, or any *authority* *abate*; and by a *present* exertion

exertion of that spirit must them privileges *be now* established or lost FOR EVER.

For notwithstanding all the care of our ancestors, and the many *seasonable* exertions of this noble spirit, time has *by degrees* introduced these diseases in our system, which if suffered to take root, must effectually destroy it; and if at this day we *deserve* the name of *free-men*, it is because this spirit of liberty was never *totally* destroyed, to which we are indebted for the *preservation* of the Constitution for such a series of years; and without which these kingdoms would have *long since* become a *prey* to some *single tyrant*, or to a cursed *Aristocracy*.

Have we at present, for instance, any *security* against *either* of these evils? The first of which might easily befall us, whilst the *Crown* possesses the means of *corrupting* our *Representatives*, and thereby securing a *majority* in the *Commons*, and also of creating *Peers at pleasure*, and thereby securing a *majority* among the *Lords*. The *Patriotic* principles of our *glorious* Sovereign are surely *now* the only preservative against this malady!

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Let these mischiefs then be prevented, and that *just ballance* in the Government will be again restored upon which its *existence* so absolutely depends: but this *ballance* once lost, not only the *beauty* of the Constitution is destroyed, but every *advantage* resulting from it rendered *insecure*.

Indeed without being accused as an advocate for *licentiousness*, I may go so far as to assert, that if this *ballance* might in any manner preponderate, it should be to the side of the *people*; for as *all* civil authority is *derived* from them, they have a *better* right to any excess of *power* than either of the other *two* estates of the Legislature; and let me add, there is less danger of their making an *improper* use of it.

The writers indeed in favour of (what they call) the *sacred* rights of *governors*, would willingly persuade us, that any authority in the hands of the *people*, tends to introduce *anarchy*, and is highly dangerous and destructive to the state. But they do not derive this same *sacred power* from the *right fountain*; and therefore, all their *slavish arguments*

arguments generally prove but a jingle of words, without any real meaning.

Wherefore, an eminent writer I have before mentioned, scruples not to declare, "that the *people* cannot have *too much* power in the Government, for to say they could have too much of this power, is to say there ought to be a *power* in the state *superior* to that which *gives it being*, and from which *all jurisdiction* is derived."

Nor does experience shew, that the *people* have generally *abused* this power whenever chance gave them an opportunity of exerting it; on the contrary, an abject submission to some ambitious ruler or rulers, has been the miserable *error* they have most frequently fallen into.

Let us view the various arbitrary modes of Government now existing in the world, and declare whether the bulk of mankind, instead of being prone to *licentiousness*, do not shew a strange pro-

* *Price*, on Civil Liberty, part I.

penfity to *slavery* and *submission*. Hence it is, that the *only* perfect form of Government, whereby the rights and liberties of the fubject are (*theoretically* at leaft) fecured, is to be found in *theſe* kingdoms. Shall we not then endeavour to *preſerve* it?

“ In all ages (ſays Mr. *Hutcheſſon*) there has been too much patience in the body of the people, and too *ſtupid* a veneration for their Pinces or Rulers; which for each one *free* kingdom or ſtate has produced *many* monſtrous herds of miſerable *ſlaves* or beaſts of burden, rather than *civil politics* of rational creatures, living under the moſt *inhuman* and worthleſs maſters, who trample upon all things *human* and *divine* with the utmoſt effrontery ‘.”

To ſecure us from ſuch a *wretched* ſituation, (which, ſhould our *Conſtitution* be deſtroyed muſt be our *certain fate*) what zeal, what prudence, what attention can be too great?

‘ See his Phil. Mor. Comp. Lib. iii, c. 8, ſect. 4.

Confident

Confident therefore, of *success* from a spirited *perseverance*, let every necessary exertion be *now made* in the glorious cause of *freedom*; by *renewing* that admirable system which the wisdom of our forefathers established, let us again behold the happiness of our country placed on an *immoveable* foundation; and by preserving that *harmony* and true *balance* which should subsist between the *several branches* of her Legislature, "Secure *Peace* within her walls, and *Prosperity* within her palaces!"

F I N I S.

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 placed on an invulnerable foundation; and
 by preserving that happy and noble
 form which should abide between the
 crown, the power of her Legislature,
 "George Town, in her walls, and
 the people with her palace."

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